

RECEIVED
CENTRAL FAX CENTER

MAY 06 2010

Application No. 10/674,971
Amendment dated May 6, 2010
Reply to Office Action of December 23, 2009

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claims 1-28 (cancelled).

29. (currently amended) A method of inserting an artificial implant into a disc space between two adjacent vertebral bodies, the method comprising:

providing an artificial implant having an upper surface and a lower surface, the upper and lower surfaces being at least arcuate in part along a plane transverse to a mid-longitudinal axis of the implant and adapted to contact an adjacent vertebral body, the implant having a lateral side and an opposite medial side and a maximum width therebetween, the implant having generally non-linear leading and trailing ends, the mid-longitudinal axis of the implant passing through said leading and trailing ends, the mid-longitudinal axis being perpendicular to and bisecting the maximum width into two equal parts, the trailing end being configured to generally conform to at least a portion of the natural anatomical curvature of at least one of the anterior, posterior, and lateral aspects of the vertebral bodies, the implant having a length between the leading and trailing ends adapted to allow at least a portion of the implant proximate the leading end and at least a portion of the implant proximate the trailing end to each overlies respective portions of a peripheral rim of the densely compacted bone of the apophyseal rim along the anatomical curvature of the adjacent vertebral bodies when the implant is implanted in the disc space;

forming an opening across a height of the disc space and into a portion of each of the adjacent vertebral bodies, the opening in the portion of each of the adjacent vertebral bodies being at least in part curved;

05/07/2010 HMRZ11 0060030 503726 10674971

01 FC:1852 490-60-DA

Application No. 10/674,971
Amendment dated May 6, 2010
Reply to Office Action of December 23, 2009

inserting, after the forming of the opening, the implant into the opening with the lateral side of the implant facing one of the anterior and lateral aspects of the vertebral bodies;

positioning the leading end of the implant so that at least a portion of the implant proximate the leading end between the medial side and the mid-longitudinal axis overlies the apophyseal rim without substantially protruding from the spine; and

positioning the trailing end of the implant so that at least a portion of the implant proximate the trailing end between the medial side and the mid-longitudinal axis overlies the apophyseal rim when said at least a portion of the implant proximate the leading end overlies the apophyseal rim without substantially protruding from the spine.

30. (previously presented) The method of claim 29, further comprising attaching a driver instrument to the implant to insert the implant into the opening formed during the step of forming.
31. (previously presented) The method of claim 29, wherein the implant is a fusion implant having a hollow therein, further comprising loading the implant with a fusion promoting material prior to inserting the implant.
32. (original) The method of claim 31, wherein the fusion promoting material includes at least one of bone, coral, bone morphogenetic protein, and genes coding for the production of bone.
33. (previously presented) The method of claim 29, further comprising combining the implant with a fusion promoting material.
34. (original) The method of claim 33, wherein the fusion promoting material includes at least one of bone, coral, bone morphogenetic protein, and genes coding for the production of bone.
35. (previously presented) The method of claim 29, wherein the forming of the opening includes drilling the opening.
36. (previously presented) The method of claim 29, wherein the inserting of the implant includes linearly inserting the implant into the opening.

Application No. 10/674,971
Amendment dated May 6, 2010
Reply to Office Action of December 23, 2009

37. (previously presented) The method of claim 29, wherein the inserting of the implant includes rotating the implant into the opening.
38. (previously presented) The method of claim 29, wherein the inserting of the implant includes screwing the implant into the opening.
39. (currently amended) A method of inserting a pair of artificial implants into a disc space between two adjacent vertebral bodies, the method comprising:
 - providing a first artificial implant having generally non-linear leading and trailing ends, the trailing end being configured to generally conform to at least a portion of the natural anatomical curvature of at least one of the anterior, posterior, and lateral aspects of the vertebral bodies, the first implant having a lateral side and an opposite medial side and a maximum width therebetween less than one half of the width of the disc space, the implant having a mid-longitudinal axis passing through said leading and trailing ends, the mid-longitudinal axis being perpendicular to and bisecting the maximum width into two equal parts, and a length between the leading and trailing ends adapted to allow at least a portion of the implant proximate the leading end and at least a portion of the implant proximate the trailing end to each overlie a peripheral rim of the densely compacted bone of the apophyseal rim along the anatomical curvature of the adjacent vertebral bodies when the first implant is implanted in the disc space;
 - providing a second artificial implant having generally non-linear leading and trailing ends being configured to generally conform to at least a portion of the natural anatomical curvature of at least one of the anterior, posterior, and lateral aspects of the vertebral bodies, the second implant having a lateral side and an opposite medial side and a maximum width therebetween less than one half of the width of the disc space, the implant having a mid-longitudinal axis passing through said leading and trailing ends, the mid-longitudinal axis being perpendicular to and bisecting the maximum width into two equal parts, and a length between the leading and trailing ends adapted to allow at least a portion

Application No. 10/674,971
Amendment dated May 6, 2010
Reply to Office Action of December 23, 2009

of the implant proximate the leading end and at least a portion of the implant proximate the trailing end to each overlie the peripheral rim of the densely compacted bone of the apophyseal rim along the anatomical curvature of the adjacent vertebral bodies when the second implant is implanted in the disc space;

forming at least one opening across a height of the disc space and into a portion of each of the adjacent vertebral bodies, the at least one opening in the portion of each of the adjacent vertebral bodies being at least in part curved;

inserting, after the forming of the at least one opening, the first implant into the at least one opening with the lateral side facing one of the anterior and lateral aspects of the vertebral bodies;

inserting, after the forming of the at least one opening, the second implant into the at least one opening with the lateral side of the second implant facing one of the anterior and lateral aspects of the vertebral bodies;

positioning the leading end of each implant so that at least a portion of the implant proximate the leading end between the medial side and the mid-longitudinal axis overlies the apophyseal rim without substantially protruding from the spine; and

positioning the trailing end of each implant so that at least a portion of the implant proximate the trailing end between the medial side and the mid-longitudinal axis overlies the apophyseal rim when the at least a portion of the implant proximate the leading end overlies the apophyseal rim without substantially protruding from the spine.

40. (previously presented) The method of claim 39, wherein the providing of at least one of the implants includes providing an implant with an asymmetrical trailing end.
41. (previously presented) The method of claim 29, wherein the providing of the implant includes providing an implant with a symmetrical trailing end.

Application No. 10/674,971
Amendment dated May 6, 2010
Reply to Office Action of December 23, 2009

42. (previously presented) The method of claim 39, wherein each implant is a fusion implant having a hollow therein, further comprising loading each implant with fusion promoting material prior to inserting each implant.
43. (original) The method of claim 42, wherein the fusion promoting material includes at least one of bone, coral, bone morphogenetic protein, and genes coding for the production of bone.
44. (previously presented) The method of claim 39, further comprising combining at least one of the implants with a fusion promoting material.
45. (original) The method of claim 44, wherein the fusion promoting material includes at least one of bone, coral, bone morphogenetic protein, and genes coding for the production of bone.
46. (previously presented) The method of claim 39, wherein the forming of the opening includes drilling the at least one opening.
47. (previously presented) The method of claim 39, wherein each insertion includes linearly inserting the implant into the at least one opening.
48. (previously presented) The method of claim 39, wherein each insertion includes rotating the implant into the at least one opening.
49. (previously presented) The method of claim 39, wherein each insertion includes screwing the implant into the at least one opening.
50. (previously presented) The method of claim 29, wherein the positioning of the implant includes positioning a majority of the trailing end of the implant along the apophyseal rim of at least one of the adjacent vertebral bodies.
51. (previously presented) The method of claim 29, wherein the providing of the implant includes providing the trailing end of the implant with a curved portion generally corresponding to the natural curvature of at least one of the anterior and lateral aspects of the vertebral bodies.
52. (previously presented) The method of claim 39, wherein the positioning of each implant includes positioning a majority of the trailing end of each implant along the apophyseal rim of at least one of the adjacent vertebral bodies.

Application No. 10/674,971
Amendment dated May 6, 2010
Reply to Office Action of December 23, 2009

53. (previously presented) The method of claim 39, wherein the providing of at least one of the implants includes providing the trailing end of at least one of the implants with a curved portion generally corresponding to the natural curvature of at least one of the anterior and lateral aspects of the vertebral bodies.
54. (previously presented) The method of claim 29, wherein the positioning of the implant includes positioning the entire trailing end of the implant on the peripheral rim of the densely compacted bone along the anatomical curvature of the adjacent vertebral bodies.
55. (previously presented) The method of claim 39, wherein the positioning of each implant includes positioning the entire trailing end of each implant on the peripheral rim of the densely compacted bone along the anatomical curvature of the adjacent vertebral bodies.
56. (previously presented) The method of claim 29, wherein the positioning of the implant includes positioning at least a portion of the trailing end of the implant between the medial side and the mid-longitudinal axis of the implant on at least one of the anterior cortex and apophyseal rim of the adjacent vertebral bodies.
57. (previously presented) The method of claim 39, wherein the positioning of each implant includes positioning at least a portion of the trailing end of each implant between the medial side and the mid-longitudinal axis of the implant on at least one of the anterior cortex and apophyseal rim of the adjacent vertebral bodies.
58. (previously presented) The method of claim 29, wherein the providing of the implant includes providing the implant with a first maximum length measured along the medial side that is longer than a second maximum length measured along the lateral side.
59. (previously presented) The method of claim 39, wherein the providing of each implant includes providing each implant with a first maximum length measured along the medial side that is longer than a second maximum length measured along the lateral side.

Claims 60 and 61 (cancelled).

Application No. 10/674,971
Amendment dated May 6, 2010
Reply to Office Action of December 23, 2009

62. (previously presented) The method of claim 29, wherein the providing of the implant includes providing the implant with at least in part arcuate upper and lower surfaces extending from the lateral side to the medial side of the implant.
63. (previously presented) The method of claim 29, wherein the providing of the implant includes providing the implant with upper and lower surfaces each having an arcuate portion extending across the mid-longitudinal axis of the implant.
64. (previously presented) The method of claim 29, wherein the providing of the implant includes
providing the implant with each of the upper and lower surfaces including at least one opening adapted to communicate with one of the adjacent vertebral bodies, the openings in the upper and lower surfaces being in communication with one another and adapted to permit for the growth of bone from adjacent vertebral body to adjacent vertebral body through the implant.
65. (previously presented) The method of claim 39, wherein each of the implants provided include upper and lower surfaces that are each arcuate along a vertical plane transverse to the mid-longitudinal axis of each respective implant.
66. (previously presented) The method of claim 39, wherein each of the implants provided include upper and lower surfaces that each include an arcuate portion extending from the lateral side to the medial side of each respective implant.
67. (previously presented) The method of claim 39, wherein each of the implants provided include upper and lower surfaces that have an arcuate portion extending across the mid-longitudinal axis of each respective implant.
68. (previously presented) The method of claim 39, wherein each of the implants provided include upper and lower surfaces that include at least one opening adapted to communicate with one of the adjacent vertebral bodies, the openings in the upper and lower surfaces being in communication with one another and adapted to permit for the growth of bone from adjacent vertebral body to adjacent vertebral body through each respective implant.